

VZCZCXR07372
PP RUEHDBU
DE RUEHKV #0824/01 0961509
ZNY CCCCC ZZH
P 061509Z APR 07
FM AMEMBASSY KYIV
TO RUEHC/SECSTATE WASHDC PRIORITY 1856
INFO RUCNCIS/CIS COLLECTIVE
RUEHZG/NATO EU COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 03 KYIV 000824

SIPDIS

SIPDIS

E.O. 12958: DECL: 04/06/2017

TAGS: PGOV PHUM MOPS UP

SUBJECT: UKRAINE: POWER MINISTERS GIVE ASSURANCES THAT TROOPS/PERSONNEL UNDER CONTROL

Classified By: DCM Sheila Gwaltney, reason 1.4 (b,d)

¶1. (C) Summary: Ambassador met with Defense Minister Hrytsenko, Minister of Interior Tsushko, and acting head of the Security Service (SBU) Nalyvaichenko April 6 to discuss the security situation during the ongoing political crisis. Hrytsenko was the most optimistic of the three, giving assurances that all power ministry and law enforcement agency heads were in close coordination to keep the security situation calm; Tsushko and Nalyvaichenko confirmed this. However, Hrytsenko also stated that the main political actors realized the need to avoid provocations and seek a political compromise, regardless of their public rhetoric, and that there were no real "war camps" on either side. Socialist Tsushko was more pessimistic, warning of the danger that both

SIPDIS

sides could bring large numbers of supporters into the streets starting April 10 if a political compromise were not reached by then. Nalyvaichenko's comments are reported in other channels.

¶2. (C) Comment: Hrytsenko's characterizations were reassuring but not entirely convincing, particularly when taken together with concerns expressed by Tsushko and Nalyvaichenko. Tsushko in general is a less confident person than Hrytsenko, and his usual nervousness may be exacerbated by the political reality that his Socialist party would have slim to no chance of crossing the three percent threshold and returning to the Rada if elections are held. Both Hrytsenko and Tsushko appealed to Ambassador to play an active role in engaging the principals in the ongoing political crisis. We will continue to stress to all actors and parties the need to avoid provocative acts or responding to provocations, as well as to seek compromise in a peaceful and legal manner. End Summary and Comment.

Hrytsenko/Tsushko: responsible people acting responsibly

¶3. (C) Chain-smoking Minister of Defense Hrytsenko told Ambassador April 6 that all Ukrainian power ministries/agencies were coordinating daily and sought to avoid provocations or allowing the situation getting out of hand. There were two mechanisms, one under Yushchenko run by National Security and Defense Council Chair Haiduk, and the other out of the Cabinet run by deputy PM Radchenko, involving the MOD, General Staff, MOI, and SBU. Radchenko chaired meetings at 1700 where troop placements and other issues were discussed. Radchenko and Haiduk talked several times a day. Both Tsushko and Nalyvaichenko separately confirmed this close cooperation. Tsushko added that, due to past instances of the abuse of use of interior troops, he had agreed with Yushchenko and Yanukovych not to deploy them in Kyiv to maintain public order and to suspend the normal right of the head of Kyiv police to call on interior troop backup automatically.

14. (C) Instead of internal troops, Tsushko explained, 1,165 special police personnel, including 200 from Crimea, had arrived in Kyiv March 29 from other provinces, to serve as Tsushko's personal police reserve prepared to respond to

SIPDIS

protect the Cabinet of Ministers, Rada, Supreme Court, Presidential Secretariat, and Central Election Commission. He had informed the National Security and Defense Council (NSDC) of this deployment at the April 5 NSDC meeting. As a Ukrainian citizen, Tsushko did not want to see "blood on the streets" or civil unrest. His security forces would do their best to avoid such an outcome. As a politician from the coalition, he wanted to be above board and demonstrate that he was upholding the law.

15. (C) Hrytsenko characterized his comments made at the emergency middle of the night Cabinet meeting April 2 after Yushchenko had announced the dissolution of the Rada and new elections as reassurances of legality on the part of the military, but also as a cold shower to potential adventurism.

He had stated clearly that troops would stay in the barracks, act in the framework of the law, and only follow orders of the Commander in Chief. He had added also as a one-time warning, not to be repeated, that if MOI police/troops could not or would not stop potential bloodshed, or became part of the problem, the armed forces were available as a stabilizing force for calm and to prevent bloodshed. Hrytsenko said his statement was similar to then-ground forces commander Petruk's call to Interior Minister troop commander Popkov Nov. 27, 2004 to ensure Popkov did not send troops and APCs to clear the Maidan. Such warnings and showdowns would not be repeated, and did not need to be. All currently commanding troops/forces were on the same wavelength.

Hrytsenko: cautiously optimistic of a negotiated solution

KYIV 00000824 002 OF 003

16. (C) Hrytsenko was, however, notably more optimistic than Nalyvaichenko and Tsushko regarding the stability of the situation and low likelihood of a flash point, claiming no one wanted bloodshed or conflict, and denying that there were war camps within both Yushchenko and Yanukovych's entourage. Yushchenko and Yanukovych were talking daily, he stressed. Both realized that a negotiated settlement was the only way out for the sake of the country; key Regions' figure Akhmetov agreed; Hrytsenko was in close contact with Yanukovych, Akhmetov, and Regions' faction leader Bohatyreva. (Note: Akhmetov briefly visited the embassy later April 6, confirming that he supports a negotiated settlement).

17. (C) Hrytsenko thought an agreement would be reached in the next 10 days-two weeks. Yushchenko was ready to compromise on timing of elections. A political agreement could allow pushing back the timeframe. with elections perhaps in July-September. Hrytsenko did not think Yushchenko would accept an offer to stop the coalition short of 300, because that would not be enough to rebalance the political system.

18. (C) Hrytsenko explained that Yushchenko had signed the decree because Yanukovych and Regions had overreached in their power grab, breaking the hoped-for political model that proportional representation-formed parties representing society in the Rada could agree on a way forward for the country on the basis of compromise. Regions' actions since returning to power in August had stripped the system of checks and balances. Apart from Moroz, defection last summer, which was manageable, the second factor was the post-Soviet winner takes all psychology shared by Yanukovych and Tymoshenko. Ukraine still lacked a western, European tradition to be responsible to national interests and

responsive to public views. Some other figures in Regions still did not see the need to compromise, because they felt close to winning everything.

¶19. (C) Hrytsenko argued there needed to be a political deal because the 1996 constitution and subsequent legislation were the product of an elite which did not have the right culture and tradition of respect for the rule of law. Legal experts would always find problems with any solution. A Venice Commission seal of approval was irrelevant; the elite would ignore it. What was important was to get the elites to play by an agreed set of rules and to change elite psychology. The 2004 election crisis, a force majeure requiring a political agreement, was fixed outside the Constitution. The current crisis was a similar moment needing a similar political fix, he argued.

¶10. (C) At the NSDC meeting April 5, Yushchenko had laid out a series of specific developments since August which had moved events beyond those allowed in the constitution, including repeated announcements by Moroz and deputy speaker Martinyuk from the Rada podium announcing various expansions of the coalition by certain numbers of deputies. At the NSDC session, Moroz had no argument in response (note: at the end of the NSDC April 5 session, the vote to direct the government to fund new elections passed 13-2, with FM Azarov and Tsushko voting against. Moroz and Prosecutor General Medvedko were also opposed but did not vote. Yanukovych had left the session prior to the vote.)

¶11. (C) Hrytsenko maintained that elections could be a positive development. The Socialists and communists could be removed from the political picture. There was general consensus between the three main political forces -- Regions, BYuT, OU -- on issues like private ownership of land, European choice, changes in tax structure, energy issues, court system etc. Thus, a political agreement should cover not only how to get to and conduct elections, but the future development of the country sixteen years after independence. Tymoshenko was the weak link, particularly if a deal were struck only between Yushchenko and Yanukovych. Hrytsenko personally favored bringing her in as a third leg to any deal to help it stick and also to improve systemic checks and balances. Let Yanukovych remain PM; allow her to be Speaker, and have a couple of allies in executive agencies, he counseled. Concentration of power in one set of hands, no matter whose hands, was dangerous.

Tsushko: April 10 a worrisome date

SIPDIS

¶12. (C) Minister of Interior Tsushko proved less sanguine about the path forward than Hrytsenko. Tsushko said he was concerned Yushchenko and Yanukovych could lose control of the situation, particularly because of the presence of "radical

KYIV 00000824 003 OF 003

elements." Any provocation or escalation by either side could be dangerous. Politicians needed to find a solution before April 10, he claimed, because he had information that both the coalition and the opposition were planning mass demonstrations, possibly involving 10,000 or more people. The necessary restrictions on police behavior and avoidance of the use of force could lead to an inadequate response if the demonstrations turned violent (note: there were upwards of 100,000 total protesters only 200 meters apart in downtown Kyiv on March 31 in two separate rallies, which took place peacefully without any incidents).

¶13. (C) In addition, Tsushko understood that trade unions from "industrial regions" were planning a nation-wide strike (note: called by Communist leader Petro Symonenko. end note) that could paralyze the entire country; Tsushko alleged this could include its gas transit systems. In such a case, the

Ukrainian domestic crisis would become a regional issue. Threats against officials was further evidence of a deteriorating situation. He had ordered personal protection to Deputy Prime Minister Kluyev and to the former head of the Pechersk Regional Court Kolesnichenko, the latter dismissed by Yushchenko, in response to their complaints of receiving threatening telephone calls.

¶14. (C) In contrast to Hrytsenko, who said a political deal was key to resolving the crisis, Tsushko claimed a Constitutional Court ruling on the legality of Yushchenko's decree was required. Even if the Constitutional Court decided the Presidential decree was constitutional, however, Tsushko did not see how the physical preparations for an

SIPDIS

election could be completed by May 27. Based on his experience and involvement in elections in 1994, 1998, and 2004, falsification of voter lists could mean that the election would not be honest or support a peaceful outcome.

¶15. (U) Visit Embassy Kyiv's classified website:
www.state.sgov.gov/p/eur/kiev.

Taylor